

Kennebunkport Planning Board
July 6th, 2022 @ 6:00 PM
Hybrid Meeting Via ZOOM and In-Person
32 North Street, Kennebunkport

A meeting of the Planning Board was held on Wednesday, July 6th, 2022 in-person and via the ZOOM format. The meeting convened at 6:00 p.m.

Members Present: Mr. Tom Boak (Chair), Nina Pearlmutter, Ed Francis, D. Scott Mahoney, Larry Simmons, George Lichte
Mr. Scott Mahoney is participating through the Zoom format.

Approval of Minutes: Mr. Francis made a motion to approve the minutes of the June 15th, 2022 Planning Board meeting. Mr. Simmons seconded the motion, and the vote was unanimous.

Items:

1. **220501 58 Langsford Road, LLC/Peterson Design Group – Erik Peterson**
– **Postponed at the Request of the Applicant** – ~~Site Plan Review Application~~
– **Public Hearing** – ~~the Applicant seeks approval to remove the existing house and construct a new house in a location that is less non-conforming (58 Langsford Road, Assessor's Tax Map 29, Lot 1, Block 22 in the Cape Porpoise West Zone). Tom Boak, Case Manager~~
2. **220601 1086 Kings Hwy/Peterson Design Group – Erik Peterson** – Site Plan Review – **Initial Review** – the Applicant seeks approval to remove the existing house and cottage, and permission to construct a new house and cottage in a location less non-conforming (1086 Kings Hwy, Assessor's Tax Map 35, Block 6, Lot 7 in the Goose Rocks Zone).

Mr. Boak introduced the agenda item.

Mr. Erik Peterson addressed the Board stating this Application is requesting to remove both the existing house and cottage and build a new house and new cottage with the allowable 30% expansion of area and volume for the house but only a 30% expansion of volume for the cottage since the cottage is on a raised pier foundation and has no footprint to expand due to its proximity to the creek. The proposed new cottage will be rebuilt on the same pier foundation that already exists; Mr. Peterson added.

Using enlarged site plans, Mr. Peterson continued his presentation adding the overall lot reduction will be from 49.39% to 48.27%. The existing cottage footprint will remain the same as will the driveway and the existing house footprint will be slightly smaller, Mr. Peterson stated. The new house will be moved further away from the street with a 27.7% expansion of area, a 29.9%

expansion in volume, and will be 28-feet 6-inches tall which is below the 30-foot height restriction, Mr. Peterson concluded.

Mr. Boak asked about the previous expansion mentioned in the Application. Mr. Peterson explained the owners expanded the upstairs bathroom by about 54 square feet several years ago, so they have included that expansion with their proposal today. Citing the Land Use Ordinance which states a “30% expansion is allowable one time only”, Mr. Boak questioned whether this 2nd expansion is allowed. Mr. Peterson added he did speak with Werner Gilliam in the Code Enforcement Office about this previous expansion.

Mr. Boak commented the Board will most likely not vote for the Application to be complete until they have a definitive answer from the Code Enforcement Office regarding the previous expansion.

Due to a schedule conflict, Mr. Peterson asked the Board to table all his projects until the August 3rd meeting.

Ms. Pearlmutter asked how high the existing and new buildings are. Mr. Peterson replied the new building will be 28 feet 6 inches and the existing building is in the range of 22 feet high from average original grade.

Ms. Pearlmutter then asked how many bedrooms are in the existing house. Mr. Peterson responded the house will have 4 bedrooms total, one bedroom on the 1st floor and 3 bedrooms on the 2nd floor in the house and 1 bedroom in the cottage; the same as there is currently.

Mr. Peterson also commented they are not proposing to remove any trees on the property.

Ms. Pearlmutter commented the windows on the proposed buildings don't look like they would have screens which could be problematic for shorebirds. Mr. Peterson explained that most of the proposed new windows can be screened because they are double-hung, and some will be under a covered porch or roof overhang. Mr. Peterson also added they will do their very best to have as many windows screened as possible to help prevent bird strikes.

Mr. Boak asked if the exterior footprint is increasing since the Application states it is going from 45'x45' to 46'x46'. Mr. Peterson explained it sounds like it is getting bigger but there is no clear way to describe it except to say the most extreme points make it 46'x46' but the net size of the house footprint shrinks.

Mr. Simmons commented the masonry wall appears to be on the property line. Mr. Peterson stated they were not proposing to change that at all and were intending to leave it as is.

Mr. Simmons asked if there is any benefit to show how much each structure contributes to the total percentage of square footage. Mr. Peterson replied he can share his calculations and is proposing the sum of the two buildings together is an aggregated volume.

Mr. Francis asked for an explanation on the property's non-conformance. Mr. Peterson stated this property is historically non-conforming because it has more than 20% lot coverage and the entire building envelope is within the 75-foot setback from the creek.

The Board members, Applicant, and Mr. Rubin of the Code Enforcement Office briefly discussed the Shoreland Zone, Resource Protection Zone, property lines, and setbacks in town.

Mr. Simmons asked if the elevation of the finished floor of 15.75 feet for the main house will be the same for the cottage. Mr. Peterson replied yes.

The Board members discussed the best way to continue moving forward with this Application without being able to vote tonight in favor that the Application is complete.

Mr. Francis made a motion to defer a decision of completeness on the Application until the next Planning Board meeting. Mr. Boak explained the Board is continuing the Initial Review until the next meeting in the hope of receiving a favorable response from Mr. Gilliam to their question regarding the previous minor expansion. Mr. Boak also noted a Public Hearing will be scheduled for the August 3rd, 2022 Planning Board meeting.

Ms. Pearlmutter seconded Mr. Francis' motion, and the vote was unanimous. Mr. Francis volunteered as Case Manager for this Application.

3. 220602 Heritage Woods – Briggs Way/Heritage Housing Trust – Larissa Crockett, Executive Director – Minor Subdivision Amendment – the Applicants seeks a minor amendment to waive the sidewalk from the previously approved plan recorded at the York County Registry of Deeds on December 14, 2020 in Book 412, Page 19 (Briggs Way, Assessor's Tax Map 22, Block 9, Lot 21A3 and 21A4 in the Cape Porpoise West Zone).

Mr. Boak introduced the agenda item.

Ms. Larissa Crockett, Executive Director of the Kennebunkport Heritage Housing Trust addressed the Board to request a minor revision to the Subdivision plan for Heritage Woods which contains two streets: Briggs Way and Tigerlily Way. Ms. Crockett explained on Briggs Way in the approved plan there is a sidewalk that runs along one side of the street adjacent to the homes and they are asking that the sidewalk not be required due to the following reasons:

1. The residents do not wish to have a sidewalk,
2. The residents prefer to have the landscaping come directly to the road,
3. The road is a dead end street,
4. There are no sidewalks to connect to on School Street.

Ms. Crockett also added by not having the sidewalk, the project could be completed sooner with only a minor amount of landscaping left to finish.

Citing Article 415-12.2.B.2.j of the Kennebunkport Subdivision Regulations, Mr. Boak stated, “sidewalks shall be installed within all subdivisions within or partially within areas designated as growth and transitional areas in the Comprehensive Plan” and if they are “adjacent to existing sidewalks”. Mr. Boak added he spoke with the Code Enforcement Officer and there obviously is no sidewalk to connect to although the property is in a growth area, so a waiver is required.

Mr. Boak made a motion to waive the requirement on sidewalks for this project. Mr. Simmons seconded the motion, and the vote was unanimous. A Public Hearing will be held at the next Planning Board meeting on July 20th, 2022.

Adjournment: A motion was made to adjourn. It was seconded, and the vote was unanimous.

Submitted By: Patricia Saunders, Planning Board Recording Secretary